IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R. No. 5290 of 2006 (O&M)

Date of Decision: 11.2.2009

Mahant Anand Giri ....**Petitioner**

Versus

Dera Samadh Sanjha Gir and others

...**Respondents**

CORAM : Hon'ble Mr. Justice Rajesh Bindal

Present:- Mr. Ajay Jain, Advocate
for the petitioner.

RAJESH BINDAL J

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The challenge in the present petition is to the order passed by learned Court below whereby the application filed by the petitioner for being impleaded as one of the defendant in the suit filed by Dera Samadh Sanjha Gir has been dismissed.

Dera Samadh Sanjha Gir, village Kharar, filed a suit for permanent injunction restraining the defendants from illegally and forcibly dispossessing the plaintiff from the dera and also the land attached thereto which is claimed to be owned by the Samadh. In the suit the Dera was represented by Brahamgir son of Nathugir who claimed himself to be the Mahant.

In the suit the petitioner filed an application claiming that infact he is duly appointed manager of Dera and not Brahamgir. The application having been rejected the applicant/petitioner is before this Court.

Learned counsel for the petitioner submitted that even in a suit filed for injunction the relief of declaration to the title of property is deemed to be included and accordingly in the suit the Court will opine regarding the ownership of property which will adversely effect the right of petitioner and for that reason the petitioner is a necessary party in the suit.

However, the argument raised is misconceived. It is only that the dera is being represented by Mahant before the Court below seeking injunction against the defendants in the suit. Mahant Anand Giri is not claiming himself to be owner of property. The property is stated to be owned by Dera. If the petitioner is having any dispute interse with Brahamgir claiming himself to be duly appointed Manager of the dera, he has his independent right qua that. The petitioner cannot be considered to be a proper party in the suit.

Accordingly, while concurring with the view expressed by the trial Court, the revision petition is dismissed.

(RAJESH BINDAL)
JUDGE

11.2.2009
Reema